

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

YOLANDA GILLARD,

Plaintiff,

v.

Civil Action No. _____
Chesapeake Circuit Court Case No. 21-9896

WALMART, INC.,

Defendant.

NOTICE OF REMOVAL

Walmart, Inc. (“Walmart”), by counsel, pursuant to 28 U.S.C. 1441 and 1446, hereby files this *Notice of Removal* on the following grounds:

1. Plaintiff filed suit in the General District Court for the City of Chesapeake on October 5, 2021, seeking \$50,000 in compensatory damages against Walmart, Inc. A copy of the Warrant in Debt is attached as Exhibit A.
2. Plaintiff filed a Bill of Particulars on December 7, 2021. A copy of the Bill of Particulars is attached as Exhibit B.
3. Walmart timely filed a Grounds of Defense in the General District Court for the City of Chesapeake on December 29, 2021. A copy of the Grounds of Defense is attached as Exhibit C.
4. On April 22, 2022, Plaintiff filed a Motion to Increase the Ad Damnum and Transfer this matter to the Circuit Court for the City of Chesapeake. A copy of that Motion is attached hereto as Exhibit D.

5. On April 26, 2022, the General District Court the city of Chesapeake entered an Order increasing the ad damnum to \$250,000 and transferred the matter to the Circuit Court for the City of Chesapeake. A copy of the Order is attached hereto as Exhibit E.

6. There have been no further proceedings in this action.

7. Upon information and belief, Plaintiff is a citizen of Virginia.

8. Walmart, Inc. is a Delaware corporation with its principal office at 702 SW St. Bentonville, Arkansas 72716.

9. The action involves a controversy between citizens of different states. There is complete diversity of citizenship.

10. The amount in controversy exceeds the jurisdictional limits of \$75,000.

11. This Court has original jurisdiction in this matter pursuant to 28 U.S.C. § 1332(a), and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441(a). Walmart desires to remove this action to this Court.

12. Pursuant to 28 U.S.C. § 1446 (b)(3), this Notice of Removal is being filed within thirty (30) days after the date Walmart received a copy of the Motion to Increase the Ad Damnum, which was the first time it could be ascertained that the matter became removable.

13. This matter is also being removed within thirty (30) days after the date the Order increasing the ad damnum above \$75,000 was entered.

14. Pursuant to 28 U.S.C. § 1441(a), venue of this removal action is proper in the Eastern District of Virginia, Norfolk Division, because it is in the district and division embracing the place where the state court action is pending.

15. Promptly after the filing of this Notice of Removal, Walmart will give written notice of the removal to Plaintiff, the adverse party, and will file a copy of this Notice of Removal with the Circuit Court for the City of Chesapeake, as required by 28 U.S.C. § 1446(d).

16. Defendant demands a trial by Jury and the Jury Demand is attached as Exhibit F.

WHEREFORE, Walmart, Inc., by counsel, respectfully requests that this action be removed from the Chesapeake City Circuit Court to this Court.

By: ___/s/ _____
Counsel

D. Cameron Beck, Jr. (VSB No. 39195)

Sarah Gallo (VSB No. 94757)

McCANDLISH HOLTON, PC

P.O. Box 796

1111 E. Main Street, Suite 2100

Richmond, Virginia 23219

Tel.: (804) 344-6322

Fax: (804) 819-1163

cbeck@lawmh.com

sgallo@lawmh.com

Counsel for Walmart, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this day of 13th day of May 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to the following:

David Ratz, Esq.
Huffman & Huffman
Brothers-In-Law, PLLC
12284 Warwick Boulevard, Suite 2-A
Newport News, Virginia 23606
Tel.: (757) 599-6050
Fax.: (757) 643-8916
Counsel for Plaintiff

/s/ _____
D. Cameron Beck, Jr. (VSB No. 39195)
Sarah E. Gallo (VSB No. 94757)
McCandlish Holton, PC
P. O. Box 796
Richmond, VA 23218
(804) 775-3100 Telephone
(804) 775-3800 Facsimile
cbeck@lawmh.com
sgallo@lawmh.com